

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ALAN B. MARCUS, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

J.C. PENNEY COMPANY, INC., et al.,

Defendants.

ERHAN ERDEM, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

vs.

J.C. PENNEY COMPANY, INC., et al.,

Defendants.

§ Civil Action No. 6:13-cv-00736

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CLASS ACTION

Civil Action No. 6:13-cv-00750

CLASS ACTION

[Caption continued on following page.]

**ORDER DENYING COMPETING MOTIONS FOR APPOINTMENT AS LEAD
PLAINTIFF**

SHAWN GILBERT, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

J.C. PENNEY COMPANY, INC., et al.,

Defendants.

§ Civil Action No. 6:13-cv-00810

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Having considered National Shopmen Pension Fund's Memorandum of Law in Opposition to Motions for Appointment as Lead Plaintiff and Approval of Selection of Counsel, and good cause appearing therefor, the Court ORDERS as follows:

1. The competing motions (Dkt Nos. 16, 17, 21, 23, 24, 27) are DENIED;
2. Pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, the Related Actions are hereby consolidated as *In re J.C. Penney Co., Inc. Securities Litigation*, Master File No. 6:13-cv-00736;
3. Pursuant to the Private Securities Litigation Reform Act of 1995, 15 U.S.C. §78u-4(a)(3)(B), National Shopmen Pension Fund is appointed as Lead Plaintiff; and
4. Pursuant to 15 U.S.C. §78u-4(a)(3)(B)(v), Robbins Geller Rudman & Dowd LLP is approved as Lead Counsel.

IT IS SO ORDERED.